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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/760,392	01/21/2004	Sheng Shun Yen	BHT-3092-413	1298
7590 07/16/2007				
BRUCE H. TROXELL SUITE 1404 5205 LEESBURG PIKE FALLS CHURCH, VA 22041			EXAMINER GYORFI, THOMAS A	
			ART UNIT 2135	PAPER NUMBER
			MAIL DATE 07/16/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/760,392	Applicant(s) YEN, SHENG SHUN	
	Examiner Tom Gyorfi	Art Unit 2135	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 06 June 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-5,7 and 8 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-5,7 and 8 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 21 January 2004 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Claims 1-5, 7, and 8 remain for examination. The correspondence filed 6/6/07 amended claims 1, 7, and 8; and cancelled claims 6 and 9.

Drawings

2. The drawings are objected to under 37 CFR 1.83(a) because they fail to show any details as described in the specification. Any structural detail that is essential for a proper understanding of the disclosed invention should be shown *in the drawing*. MPEP § 608.02(d). Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the Examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Response to Arguments

3. Applicant's arguments filed 6/6/07 have been fully considered but they are not persuasive. Applicant argues that the prior art does not teach "wherein the USB data processing card has a connecting part having no metal shielding"; however, there is no evidence in the specification or Applicant's remarks that would support this limitation.

Claim Rejections - 35 USC § 112

4. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

5. Claims 1-5, 7, and 8 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter that was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. Claim 1 recites a USB data processing card that "has a connecting part having no metal shielding". There is no support in the instant specification whatsoever that any embodiment of the instant invention lacks metal shielding on a USB connector; nor is there any teaching therein that would suggest that removing the metal shielding of a USB connector was even possible, let alone that doing so would have any advantage over the prior art. An amended claim must be supported by the specification as filed: *In re Wright*, 866 F.2d 422, 9 USPQ2d 1649 (Fed. Cir. 1989). Claims 2-5, 7, and 8 stand rejected as being dependent on claim 1.

Claim Rejections - 35 USC § 103

6. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.
7. For purposes of the rejections herein, it is noted that Applicant failed to traverse the Examiner's previous invocation of Official Notice (see the non-final Office Action of 3/8/07, page 5) in the amendment filed 6/6/07. By rule, this is now taken as Applicant-admitted prior art: see MPEP 2144.03(c).
8. Claims 1-4, 7, and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Chiao (U.S. Patent 6,904,493).

Regarding claim 1:

Chiao discloses a USB data processing card, comprising: at least one set of USB signals, for transmitting data (col. 2, lines 55-60); a controller and a memory unit for selectively writing a processed data into a memory unit and transmitting the data in said memory unit to the interface (col. 3, lines 5-10); and an encryption unit, for providing a encrypting capability to said controller and a data protection function (col. 3, lines 25-30)

Although Chiao does not disclose what type of encryption algorithm is used in that invention, it is taken as Applicant-admitted prior art that the options listed in the claim (symmetric algorithm, asymmetric algorithm, and hash) represent the entire domain of discourse with respect to encryption algorithms in general (i.e. every possible encryption algorithm falls into at least one of those categories). [See also the rejection of now-cancelled claim 6, in the Office Action of 3/8/07, page 5]

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Regarding claim 2:

Chiao further discloses at least one memory device (Figures 2 and 4).

Regarding claim 3:

Chiao further discloses wherein said controller and said memory unit are integrated into one chip (Figure 2).

Regarding claim 4:

Chiao further discloses wherein said controller and said encryption unit are integrated into one chip (Figure 4).

Regarding claim 7:

Chiao further discloses wherein said memory unit is divided into a plurality of blocks including a reserved block, each of the plurality of blocks have a functions selected from a group of allowing users to an prohibiting the users from read, write, delete, modify data, or format (col. 4, lines 5-20; Figures 2 and 4).

Regarding claim 8:

Chiao further discloses providing an appropriate program that allows the specific user to read, write, delete, modify data, and format block in said reserved block (Ibid).

9. Claims 1-5, 7, and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Chiao (U.S. Patent 6,904,493), and further in view of "Applied Cryptography, 2nd Edition" (hereinafter, "Schneier").

Regarding claim 1:

Chiao discloses a USB data processing card, comprising: at least one set of USB signals, for transmitting data (col. 2, lines 55-60); a controller and a memory unit for selectively writing a processed data into a memory unit and transmitting the data in said memory unit to the interface (col. 3, lines 5-10); and an encryption unit, for providing a encrypting capability to said controller and a data protection function (col. 3, lines 25-30)

Although Chiao discloses encrypting a stored pass code, it does not explain how the encryption algorithm works. However, Schneier teaches that when a pass code (i.e. password) is to be stored on a host, it should be hashed first (Schneier, page 52, "Authentication Using One-Way Functions"; cf. page 30, "One-Way Hash Functions"). It would have been obvious to one of ordinary skill in the art at the time the invention was made to use a hashing [encryption] algorithm on the pass code disclosed by Chiao. The motivation for doing so would be to mitigate the threat of someone compromising the storage area where the pass code is stored in order to defeat the protection (Ibid).

Regarding claims 2-4, 7, and 8:

These claims are rejected as being obvious over Chiao in view of Schneier for substantially similar reasons as previously discussed on page 5 of this Action.

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Regarding claim 5:

Schneier further discloses a random number generator for generating a key for data encryption or protection (Schneier, page 52, "Dictionary Attacks and Salt"). [See also the Office Action of 3/8/07, page 6, top paragraph, for further explanation]

Conclusion

10. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

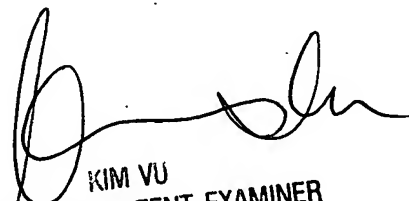
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tom Gyorfí whose telephone number is (571) 272-3849. The examiner can normally be reached on 8:30am - 5:00pm Monday - Friday.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kim Vu can be reached on (571) 272-3859. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

TAG
7/6/07



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